

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

MAURICE ALLEN, )  
                      )  
Plaintiff(s),     )  
                      )  
vs.                )              Case No. 4:07CV1936 JCH  
                      )  
APRIA HEALTHCARE, INC., )  
                      )  
Defendant(s).     )

**ORDER**

This matter is before the Court upon its review of the record. Plaintiff filed his original Complaint in this matter on November 16, 2007. (Doc. No. 1). That same day, Plaintiff filed a Motion to Proceed without Prepayment of Costs, and a Motion for Appointment of Counsel. (Doc. Nos. 2, 4). In an Order entered November 27, 2007, the Court granted Plaintiff's Motion to Proceed without Prepayment of Costs. (Doc. No. 5). The Court denied Plaintiff's Motion for Appointment of Counsel in an Order entered November 30, 2007. (Doc. No. 6). The Court forwarded both Orders to Plaintiff at 11665 Hazel Oak Drive, Florissant, Missouri, 63033, the address that appears on his Complaint.

On December 5, 2007, this Court's November 27, 2007, mailing to Plaintiff was returned as undeliverable. Further, on December 12, 2007, this Court's November 30, 2007, mailing to Plaintiff was returned as undeliverable.<sup>1</sup> Local Rule 45-2.06(B) states as follows:

Every pro se party shall promptly notify the Clerk and all other parties to the proceedings of any change in his or her address and telephone number. If any mail to a pro se plaintiff or petitioner is returned to the Court without a forwarding address and the pro se plaintiff or petitioner does not notify the Court of the change of address

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<sup>1</sup> The Court received notice that attempted service by the post office to a forwarding address of P.O. Box 52296, St. Louis, Missouri, 63136, was unsuccessful, as no such number exists.

within thirty (30) days, the Court may, without further notice, dismiss the action without prejudice.

More than thirty days have elapsed since this Court's November, 2007, Orders were returned, and Plaintiff has not notified the Court of his change of address. The Court will therefore dismiss Plaintiff's Complaint in this matter without prejudice, for failure to comply with Local Rule 45-2.06(B).

Accordingly,

**IT IS HEREBY ORDERED** that Plaintiff's Complaint in this matter (Doc. No. 1) is **DISMISSED** without prejudice. An appropriate Order of Dismissal will accompany this Order.

**IT IS FURTHER ORDERED** that the Clerk of Court shall forward a copy of this Order to

Plaintiff at each of the following two (2) addresses:

Maurice Allen  
11665 Hazel Oak Drive  
Florissant, MO 63033

Maurice Allen  
P.O. Box 52296  
St. Louis, MO 63136

Dated this 26th day of February, 2008.

/s/ Jean C. Hamilton  
UNITED STATES DISTRICT JUDGE